

CALIFORNIA COASTAL COMMISSION

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Commission Action:

**STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-99-427 **APPEAL NUMBER:** A5-VEN-99-449

APPLICANT: City of Los Angeles Department of Recreation & Parks

AGENT: Kathleen Chan, Project Manager

PROJECT LOCATION: 1730 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of the Venice Pavilion complex and restoration of the site to sandy beach and landscaped park with public recreation improvements.

LOCAL APPROVAL: City of Los Angeles Local Coastal Development Permit #99-005.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a de novo permit (A5-VEN-99-449) and a coastal development permit (5-99-427) for the proposed development with special conditions to protect public access, lower cost public recreational opportunities, and water quality. The applicant agrees with the recommendation. The **motions** to accomplish the recommendation are on **page two**.

The proposed project is located on the beach between the sea and the first public road. Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission.

The City's approval of Local Coastal Development Permit No. 99-005 has been appealed to the Commission (Appeal A5-VEN-99-449). In the Substantial Issue portion of the appeal, Commission staff has recommended that the Commission find that a Substantial Issue exists with the City's approval of Local Coastal Development Permit No. 99-005. In order to minimize duplication, Commission staff has combined the de novo appeal permit (A5-VEN-99-449) and coastal development permit (5-99-427) into one staff report and one Commission hearing. However, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo appeal and one action for the coastal development permit. Staff is recommending that the Commission approve both with identical special conditions and findings. The **motions** to accomplish the recommendation are on **page two**.

SUBSTANTIVE FILE DOCUMENTS:

1. Mitigated Negative Declaration for Demolition of Venice Pavilion, SCH #99041126.
2. Venice Beach Pavilion Area Reuse Study, RRM Design Group, Nov. 25, 1998.
3. Coastal Development Permit 5-96-176 (City of LA OFW Refurbishment).
4. Venice Beach Ocean Front Walk Refurbishment Plan, RRM Design Group, Nov. 1995.
5. Proposed Venice Land Use Plan, City of Los Angeles Planning Dept., October 1999.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the de novo permit and coastal development permit application with special conditions:

MOTIONS

"I move that the Commission approve with special conditions Coastal Development Permit 5-99-427 per the staff recommendation as set forth below."

"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-99-449 per the staff recommendation as set forth below."

Staff recommends two **YES** votes which would result in the adoption of the following resolutions and findings. An affirmative vote by a majority of the Commissioners present is needed to pass each motion.

I. Resolution: Approval with Conditions of 5-99-427

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Resolution: Approval with Conditions of A5-VEN-99-449

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any

significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

III. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. Special Conditions

1. Protection of Public Access to Lower Cost Recreational Opportunities

Through the acceptance of this coastal development permit, the City shall agree to operate the project site as a public park available for use on a non-exclusive and Citywide basis to persons and groups of all ethnic backgrounds, regardless of economic status. As such, the City park-operation policy shall allow the project site to be used by groups for organized events and programs in a manner consistent with other regional parks

2. Timing of Project

In order to reduce adverse impacts to public access and recreation, all demolition and construction associated with the proposed project shall occur only during the period commencing September 15 and ending May 15.

3. Beach and Recreational Facility Closures

Beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 100 feet of the Pavilion site). All beach areas and recreation facilities outside of the 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment). A pedestrian detour and beach bicycle path detour shall be provided to bypass the project site during demolition and construction. The pedestrian and bicycle detours shall remain open and available for public use until the permanent bicycle path and Ocean Front Walk area constructed and opened for public use through the project site.

4. Children's Playground

In order to provide a safe play area and to avoid conflicts with bicycle traffic and City vehicles, the proposed children's playground shall be enclosed by a gated safety barrier (wall or fence) at least 36" high, but not more than 60". Any portion of the barrier that exceeds 36" shall be constructed of transparent materials or rails.

5. Disposal of Debris

All demolition/construction debris shall be disposed of outside of the coastal zone in accordance with all local, state and federal regulations.

6. Erosion and Siltation Control

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan that incorporates structural and non-structural Best Management Practices (BMPs) to control erosion and prevent silt from the construction site from entering storm drains during demolition and construction of the proposed project. The approved erosion control and siltation plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and shall be implemented by the permittee during demolition and construction of the proposed project.

7. Parking Lot Drainage Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed paved areas and City parking lot located next the park administration office that incorporates structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the project site, b) control the velocity at which the runoff enters the storm water drains, and c) reduce the amount of pollutants contained in the runoff leaving the paved areas and parking lot site prior to entering the

storm drain system. The drainage plan shall meet the standard of containing on the project site 0.75 inches of precipitation within a 24-hour period. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved surfaces and catch basins at least once a year between September 15 and October 15, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director.

8. Conformance with City Conditions of Approval

The permittee shall comply with the City's conditions of approval attached to this staff report as Exhibit #4, to the extent that they do not conflict with this permit approval.

9. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

10. Assumption of Risk

By acceptance of this permit, the permittee acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and History

The City of Los Angeles Department of Recreation and Parks proposes to demolish the Venice Pavilion complex located on the public beach seaward of Ocean Front Walk at the terminus of Windward Avenue (See Exhibits). The Venice Pavilion complex is a public recreation area consisting of a 7,000 square foot auditorium, a concession building, a restroom building, outdoor game area, and an outdoor picnic area known as the "graffiti pit" (Exhibit #2).

The proposed project includes the restoration of the site to sandy beach and landscaped park with numerous public recreation improvements (Exhibit #3). A small amount of area will be converted to sandy beach, while the remainder will be hardscaped and landscaped with turf and palms (Exhibit #5). Two graffiti walls, five picnic tables and one barbecue unit are the existing features that the City proposes to retain within the restored public park. The existing beach bicycle path that passes around the Pavilion will be moved several feet inland as part of the proposed bicycle path realignment through the project site. The public improvements proposed to be built on the site of the Venice Pavilion complex include an enlarged Windward Plaza, a water feature, and a public art sculpture (Exhibit #8). A one-story park administration office/police substation with a driveway and approximately sixteen parking spaces for City vehicles is proposed to be constructed next to a proposed children's playground (Exhibit #7). No commercial uses are proposed.

All of the proposed development is located landward of the mean high tide line. The abandoned oil well site (Damson Oil Site) and future skate path are not part of the currently proposed project (Exhibit #3). The refurbishment of Windward Plaza and Ocean Front Walk, the pedestrian boardwalk located immediately inland of the project site, was approved by the Commission on May 13, 1997 [See Coastal Development Permit 5-96-176 (City of LA)]. The currently proposed demolition of the Venice Pavilion complex and the associated improvements were not a part of the original Ocean Front Walk refurbishment project that the Commission was approved pursuant to Coastal Development Permit 5-96-176.

The Venice Pavilion complex was constructed on the City-owned public beach in 1959 as an open-air amphitheater (1,200-person capacity) with a 3,000 square foot indoor arts and recreation center located on the lower level. City records state that the Pavilion was officially opened in 1961. In 1970, the City constructed a roof over the amphitheater in response to problems resulting from the damp marine climate (Exhibit #2, p.2). During the 1960's and 1970's the Pavilion served as a venue for concerts, plays, public meetings, art workshops, and diverse programs for seniors and children.

According to the City, public use of the Pavilion structure declined as it became less and less popular. Poor acoustics have been cited as one reason for the decline in use. Eventually, the City locked the doors and the Pavilion fell into a state of disrepair.

In 1981, 588 seats were installed in the auditorium in an attempt to make it more appealing for theatrical events. The attempt failed to generate interest and the Pavilion was closed once again. In 1983, the City Department of Recreation and Parks solicited proposals from non-profit agencies for a concession promoting recreational, educational, scientific or cultural use of the Pavilion. Twenty-seven proposals were received. None were accepted. Instead, the City modified the interior of the Pavilion in 1984 and reopened it for City recreation classes and programs. The City states that, due to lack of community interest in the programs, the Pavilion was closed once again.

The Pavilion has been closed to public use since 1984 due to lack of use and health and safety reasons. In another attempt to revitalize the Pavilion in 1995 the City solicited proposals to lease the Pavilion. Venice Arts Mecca, a non-profit community group, was awarded the opportunity to refurbish the facility to operate as an arts and community center. Venice Arts Mecca, however, failed to raise the required funds and was not able to implement its plan for the proposed arts and community center.

The most recent attempt to revitalize the Pavilion complex occurred in 1997 when the City initiated the nine-month Venice Beach Pavilion Reuse Study. The goal of the reuse study was to develop the facts about the site, weigh the options and ideas for reuse with the public, determine the cost and feasibility for each option, and to recommend a preferred reuse strategy reflecting the community's vision for the Pavilion complex. The nine-month Venice Beach Pavilion Reuse Study included three public workshops on March 12, 1998, May 23, 1998, and November 5, 1998.

The Venice Beach Pavilion Reuse Study finally concluded that: 1) the design of the Pavilion is not a suitable venue for performing arts, 2) spending an estimated \$3 million to restore the Pavilion is not acceptable, 3) the site should be cleared and redeveloped as a public park and beach, 4) the graffiti walls should be retained on the site as a cultural resource, 5) no commercial uses should be allowed at the site, and 6) the new public park should be community serving, open to all people, and should reflect art, youth, recreation and music. The City states that the currently proposed project is the direct outgrowth of the study.

B. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize and protect public access and recreation along the coast. The proposed project must conform to the public access and recreation policies contained in Chapter 3 of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project is located on Venice Beach between the high tide line and Ocean Front Walk, the public boardwalk immediately inland of the beach and Venice recreation area. Venice Beach is one of the most visited recreation areas on the coast of California drawing crowds in excess of seven million visitors each year¹. The intersection of Ocean Front Walk and Windward Avenue, where the proposed project is situated, is Venice Beach central (Exhibit #1).

The proposed project involves the demolition and removal of the dilapidated Venice Pavilion complex, and the restoration of the site to an open public recreation area with sandy beach, hardscaped plaza, and mounded turf areas (Exhibit #3). No commercial uses are proposed.

Section 30221 of the Coastal Act requires that oceanfront land suitable for recreational use shall be protected for recreational use. The proposed project, which proposes only recreation related uses, is consistent with Section 30221 of the Coastal Act. The appellant contends, however, that the proposed demolition of the Venice Pavilion will reduce public access opportunities for economically disadvantaged people of all ethnic backgrounds, and therefore, the proposed project is exclusionary. The appellant has implied that the Venice Pavilion should be renovated and used as a venue for programs and activities for economically disadvantaged persons of all ethnic backgrounds.

The issue of whether is the proposed redevelopment of a public facility on the beach is exclusionary is a very important and substantial issue. Section 30210 of the Coastal Act requires that maximum access and recreational opportunities shall be provided for all the people. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected. Because of the importance of the public access issue raised to by the appellant, the Commission will ensure that the approval of the proposed project will protect lower cost recreational opportunities and provide maximum access for all the people as required by the Coastal Act.

The City has held numerous public workshops to address the Ocean Front Walk refurbishment project and the currently proposed reuse of Venice Pavilion site. The City, in consultation with the public, finally concluded that: 1) the design of the Pavilion is not a suitable venue for performing arts, 2) spending an estimated \$3 million to restore the Pavilion is not acceptable, 3) the site should be cleared and redeveloped as a public park and beach, 4) the graffiti walls should be retained on the site as a cultural resource, 5) no commercial uses should be allowed at the site, and 6) the new public park should be community serving, open to all people, and should reflect art, youth, recreation and music². The currently proposed project would implement the City's conclusion.

Therefore, the Commission finds that the City has adequately studied the proposed Pavilion demolition and reuse of the site as a public park, and has done so with the participation of the public. The City determined the refurbishment of the Pavilion, as requested by the appellant, is not financially acceptable. The Commission further finds that the proposed redevelopment of the Venice Pavilion site as a public recreation area will not result in the exclusion of economically disadvantaged persons or persons from any

¹ Los Angeles County Dept. of Beaches & Harbors, 1993.

² Venice Beach Pavilion Reuse Study, RRM Design Group, November 25, 1995.

ethnic background if the City operates the proposed public recreation area on a non-exclusive basis for use on a Citywide basis to persons and groups of all ethnic backgrounds, regardless of economic status.

Therefore, in order to ensure that the approval of the proposed project will protect lower cost recreational opportunities and provide maximum access for all the people as required by the Coastal Act, a condition of approval requires that the City shall agree to operate the project site as a public park available for use on a non-exclusive and Citywide basis to persons and groups of all ethnic backgrounds, regardless of economic status. As such, the City park-operation policy shall allow the project site to be used by groups for organized events and programs in a manner consistent with other regional parks. Only as conditioned is the proposed project and permit consistent with the public access and recreation policies of the Coastal Act.

The demolition and construction of the proposed project, which involves the use of heavy machinery, will temporarily disrupt public access and use of this popular coastal recreation area. The equipment proposed to be used includes loader/bulldozers, excavators, a crane, concrete trucks, and dump trucks. This area of Venice Beach, including Ocean Front Walk and the beach bicycle path, provide the public with important coastal access and recreation opportunities. The existing bicycle path is part of the regional bicycle path system which runs from Venice Beach to Santa Monica Beach and is heavily used by pedestrians and bicyclists. These public recreation resources must be protected during the construction of the proposed project.

The peak beach use season runs through the summer from May to September. In order to reduce adverse impacts to public access and recreation, a condition of approval limits all demolition and construction associated with the proposed project to the non-peak summer period that commences September 15 and ends on May 15. The Ocean Front Walk refurbishment project (Coastal Development Permit 5-96-176) is subject to a similar timing restriction. By working during the winter months the proposed project will avoid conflicts with the heavy beach crowds that are attracted to this portion of the state's coastline.

In the winter months, however, the beach is still used by many visitors. Therefore, the permit is conditioned to minimize the area of beach that is closed during construction. The closed areas shall be limited to the areas immediately adjacent to the project area Beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 100 feet of the Pavilion site). All beach areas and recreation facilities outside of the 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment). A pedestrian detour and beach bicycle path detour shall be provided to bypass the project site during demolition and construction. The pedestrian and bicycle detours shall remain open and available for public use until the permanent bicycle path and Ocean Front Walk area constructed and opened for public use through the project site. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...be visually compatible with the character of surrounding areas...

The proposed project involves the demolition of the 7,000 square foot Venice Pavilion and accessory structures (Exhibit #2). The project site is proposed to be redeveloped as an open public recreation area. The removal of the massive Pavilion structures will open up new public view corridors to the shoreline from Ocean Front Walk that are currently blocked by the Pavilion. The park administration/police substation office proposed next to the children's play area is the only new building proposed on the project site. The proposed one-story office building and its parking area, which are located on the site of a previously approved office building, is a replacement structure that will not substantially interfere with the new public views that will be opened by the proposed project. In addition, no structures are proposed on the seaward side of the coastal bicycle path where uninterrupted public views to the water are currently available. Therefore, the proposed project will not negatively impact visual quality, and will improve public views to the coast consistent with Section 30251 of the Coastal Act.

Finally, in order to ensure that the proposed project is carried out in a manner consistent with the character of the surrounding community, the permit requires the permittee to comply with the City's conditions of approval attached as Exhibit #4 to this staff report.

D. Water Quality

Because of its location on the beach, the proposed project could affect sensitive habitat areas and water quality in the nearby coastal waters of Santa Monica Bay (Exhibit #1). The Coastal Act contains policies that require development in or near coastal waters to protect biological productivity, public recreation and marine resources. The proposed project must conform to the following Chapter 3 policies of the Coastal Act.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining

natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The runoff from the proposed project could negatively affect the marine habitat and water quality in the adjacent coastal waters. The protection of these habitat areas, as required by the Coastal Act, is necessary for the support of many species of marine life which inhabit the immediate area. The proposed project involves the demolition of an aging public facility and the construction of a public park that includes a sixteen-space surface parking lot located about two hundred feet from the high tide line (Exhibit #3). No work is proposed in the water. Special measures must be taken, however, in order to ensure that the demolition and construction associated with the proposed project, and the proposed use of the site, do not negatively impact marine resources. The adverse impacts to marine resources include the introduction of polluted drainage and siltation into Santa Monica Bay.

The Coastal Act requires that mitigation measures be provided to ensure that the proposed project is the least environmentally damaging alternative. Section 30230 of the Coastal Act requires special protection shall be given to marine resources. Section 30231 requires that water quality be protected and enhanced in order to maintain the biological productivity of all coastal waters. Pursuant to these requirements of the Coastal Act, the permit is conditioned to require that special protection be provided to protect water quality and sensitive coastal resources from negative impacts caused by runoff from the construction site and proposed paved areas into the storm drains which drain into the waters of Santa Monica Bay.

In order to minimize impacts on the marine environment caused by the proposed project, the permit amendment is conditioned to require the applicants to develop and submit for approval of the Executive Director an erosion and siltation control plan to be implemented during the demolition and construction of the proposed project. The required erosion and siltation control plan shall incorporate structural and non-structural Best Management Practices (BMPs) to control erosion and prevent silt from the construction site from entering storm drains during demolition and construction of the proposed project. The approved erosion control and siltation plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and shall be implemented by the permittee during demolition and construction of the proposed project. In addition, all debris from the demolition of the Venice Pavilion complex shall be disposed of outside of the coastal zone in accordance with all applicable local, state and federal requirements. Only as conditioned is the proposed project is consistent with the marine resource policies of the Coastal Act.

The Coastal Act requirements to protect the biological productivity and quality of coastal waters do not end after the construction of the proposed project. The proposed development must also be maintained in a manner that sustains water quality and the adjacent marine habitat areas. To this end, runoff from the site should be filtered so that polluted runoff from the paved areas does not negatively impact water quality and the adjacent marine habitat areas. Runoff from paved parking areas usually contains grease, gasoline and oil residue, particles of brake linings and trash. These pollutants, if directed into coastal waters, will negatively impact marine habitats and recreational activities by lowering water quality.

In this case, runoff from the site will be directed to the City's storm drains. The City's storm drains drain directly into Santa Monica Bay. The runoff from the storm drains is not treated and contributes to lower water quality in the bay. In order to filter out some of the pollutants which accumulate on the site, catch basins and drains designed to improve the quality of runoff which leaves the site should be installed in the drains of the proposed project site. The use of best management practices in constructing and maintaining

the project and its drains will reduce the amount of pollutants which leave the site and enter coastal waters.

Therefore, in order to ensure that the biological productivity, marine resources, and recreational activities in the area are protected, and that the water remains suitable for marine habitat, a special condition of approval requires the applicants to develop and submit a project drainage plan, for the review and approval of the Executive Director. The drainage plan for the proposed project shall incorporate structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the project site, b) control the velocity at which the runoff enters the storm water drains, and c) reduce the amount of pollutants contained in the runoff leaving the paved areas and parking lot site prior to entering the storm drain system. The drainage plan shall meet the standard of containing on the project site 0.75 inches of precipitation within a 24-hour period. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved surfaces and catch basins at least once a year between September 15 and October 15, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director. Only as conditioned is the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

Finally, the permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations

E. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Developments located in or near the ocean have the potential for damage caused by storms and wave energy. The proposed project is located on the beach within two hundred feet of the current mean high tide line and is especially susceptible to wave damage. No development in or near the water can be guaranteed to be safe from hazard.

The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the applicants understand and assume the potential hazards associated with development in or near the water. In 1990, the Commission imposed such a condition on Coastal Development Permit 5-90-490 (City of Huntington Beach) for the new Huntington Beach Pier. In 1995, the Commission imposed a similar condition on Coastal Development Permit 5-94-100 (Pointe Design) for a new pier in Avalon. In 1999, the Commission imposed such a condition on Coastal Development Permit 5-98-156 (City of Long Beach) for the Queensway Bay Development.

Therefore, by acceptance of this coastal development permit, the permittee acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. Only as conditioned is the proposed project is consistent with Section 30253 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999, and has submitted it for Commission certification. The proposed Venice LUP designates the project site as a shoreline recreation area. The proposed project, as conditioned, conforms with the proposed Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp